



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

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DIVISION OF STATE COUNSEL
LITIGATION BUREAU

November 14, 2023

BY ECF

Hon. Lorna G. Schofield
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Application **GRANTED** in part. The conference scheduled for November 21, 2023, is **ADJOURNED to December 6, 2023, at 2:00 P.M.** on conference line 888-363-4749, access code: 5583333. Defendants may file papers in opposition by **November 30, 2023**. The Clerk of Court is respectfully directed to mail a copy of this Order to Plaintiff.



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

Re: *Mendez v. John Jay College of Criminal Justice, 23-cv-8816 (SDNY)*

Your Honor:

I write on behalf of Defendant City University of New York¹ in the matter referenced above. I write requesting a two-week adjournment of the conference scheduled for November 21, 2023, and for Defendant to file papers in opposition to Plaintiff's motion for a temporary restraining order.

On October 6, 2023, Plaintiff filed his Complaint and proposed Order to Show Cause. In his Order to Show Cause, Plaintiff, a student at John Jay College, seeks accommodations related to his visual impairment during the pendency of this action. On November 3, 2023, the Court signed Plaintiff's Order to Show Cause, and set a conference for November 21, 2023 to consider whether a temporary restraining order and preliminary injunction should be issued pursuant to Rule 65 of the Federal Rules of Civil Procedure. Defendant was served with the Complaint on November 13, 2023, but it was not served with the Order to Show Cause. Prior to service, CUNY was unaware that this action was pending. Indeed, CUNY only became aware of the Order to Show Cause upon checking the docket after service of the Complaint.²

Defendant now seeks a two week adjournment of the conference to December 5, 2023. An extension of time is requested to ensure that this Office has sufficient time to determine representation in this matter, and due to the Thanksgiving holiday, professional obligations in other matters, and the fact that Defendant was only served with the Complaint yesterday. Defendant

¹ The John Jay College of Criminal Justice is a senior college of CUNY and is not a "legally cognizable entity apart from CUNY." *Clissuras v. City Univ. of N.Y.*, 359 F.3d 79, 81 n.2 (2d Cir. 2004); N.Y. Educ. Law § 6202(5).

² The Court's Order indicates that copies of the signed Order were forwarded by email to certain non-party professors at John Jay College on or about November 3, but these documents were never forwarded to counsel's office at either John Jay College or CUNY's Central Office of General Counsel.

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requires the additional time to prepare its response addressing the factual allegations made in support of Plaintiff's motion. This is Defendant's first request for an adjournment of the conference. I sent an email to Plaintiff yesterday, and also attempted to call him to seek his consent, but did not receive a response.

Respectfully submitted,

/s Christopher Coulston
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cc: ***by first class mail and email***
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